IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20/03/2003

CORAM

THE HONOURABLE MR. JUSTICE K.P.SIVASUBRAMANIAM

WRIT PETITION No.37691 of 2002

P.Duraisamy .. Petitioner

-Vs-

The University of Madras,
rep., by its Registrar,
Kamarajar Salai,
Chennai-600 005. .. Respondent

Writ petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus for the reasons stated therein.

For Petitioner : Mr.G.Masilamani, Senior Counsel for Mr.K.Venkata Subba Raju

For Respondent : Mr.Habibullah Basha, Senior Counsel for Mr.A.V.K.Ezhilmani

:O R D E R

The petitioner prays for a Mandamus to forbear the respondent/ Madras University from holding elections to the Syndicate by the Senate members of the Madras University either on 26.10.2002 or any other subsequent date unless and until the respondent constitutes the Senate with twenty members of the representatives of the graduates and fifteen members of nominated members from Scheduled Caste representatives.

2. The petitioner contends that the respondent had issued the notification on 16.10.2002, calling for nominations to elect six members to the Syndicate by the Senate among its members. The petitioner was a nominated member of the Senate from 9.1.1999 to 8.1.2002 as well as a nominated member of the Academic Council from 9.3.1999 to 8.3.20 02 under Section 14 (9) and 23 of the Madras University Act, 1923. He was under bona fide impression that the elections will be conducted only after the entire electorate was duly constituted. When he approached the respondent to supply to him the list of the electorate during the third and fourth week of September 2002, the respondent failed to supply the list. Only on the last date of the nomination on 13.9.2 002, he was supplied with the list of

electorate who can participate in the elections. He found that Serial Nos.54, 55, 70, 123 to 142, 15 9, 160, 161 and 163 are missing. The names of persons found in Serial Nos.37 and 48, relate to individuals who are already Syndicate members and the name given in Serial No.25 is in relation to a person who is dead. According to the petitioner, this itself would show that the list of electorate was incorrect and defective. Therefore any election to be held on the basis of such an incorrect and defective list will be a farce.

3. The petitioner further submits that there are about 35 vacancies viz., twenty, to be elected by the registered graduates and fifteen, to be nominated by the Chancellor of whom not less than ten shall be nominated to secure representation to the Scheduled Caste and Scheduled Tribe, not otherwise adequately represented. Even though the petitioner pointed out the vacancies and requested the postponement of the elections till the vacancies were duly filled up, was not at all accepted and the respondents had refused to postpone the elections. The petitioner represents Scheduled Caste Community. For the year 19 99-2002, vacancies of 15 seats representing Scheduled Caste Community were filled up. But for the year 2002-2005, no nominations have been made to fill up the 15 vacancies. In the above background, if elections are held, there will be no effective representation to the Scheduled Caste Community in the Syndicate. Hence the above writ petition.

4. In the counter filed by the Registrar of the University, it is contended that the writ petition was not maintainable as the petitioner was not a member of the Senate. He is neither a voter nor a candidate in the proposed election and he has no locus standi. The reason for the missing numbers in the list as furnished by the petitioner was known to the petitioner himself. The Senate is composed of the Chancellor, Pro-Chancellor, Vice-Chancellor, Director of Higher Education, the Director of School Education, the Director of Technical Education, the Director of Medical Education, the members of affiliated Colleges who have served as Principals for not less than three years, Wholetime University Professors, In-Charge of a Department, etc. Out of these categories, in the category of Principals of affiliated Colleges and Wholetime University Professors would be large in numbers. As and when an eligible Principal retires or Wholetime Professor retires, vacancies will be caused. But if the new incumbent in a particular College does not satisfy the condition of having served as the Principal for three years or as a Wholetime University Professor, such of those vacancies will not be filled up. The missing numbers in the list are due to such an eventualities. As regards serial Nos.37 and 48, though they have already become Syndicate members, it is stated that a Senate member does not cease to be a Senate member on his becoming the Syndicate member. As regards the death of serial No.25, the fact was not known to the University and on receiving information, the name of the said individual, will be deleted. Therefore, the contention that the voters list was defective was ill-founded.

5. As regards the vacancies in the electoral college and inadequate representation of the Scheduled Caste and Scheduled Tribes, there is no merit in the said contention. In Chapter XIX of the laws of the University, in Clause IV, it is specifically provided that no

election to an authority to the University will be invalid by reason of any vacancy among the persons entitle to vote at such election. Under Clause 9 of Section 14, it is provided that 15 members be nominated by the Chancellor of whom not less than ten shall be nominated to secure the representation of Scheduled Caste and Scheduled Tribe, not otherwise adequately represented. The Chancellor would nominate members from Scheduled Caste and Scheduled Tribe only if they were not adequately represented. In the present case, a member of the Scheduled Caste was already contesting election to the Syndicate. The writ petitioner has filed the above writ petition only to further his own personal interest. Therefore the elections were conducted in accordance with the rules.

6. An additional counter affidavit has been filed by the respondent on 6.11.2002 contending that during the hearing, the petitioner' s counsel had raised an objection about the several eligible voters and two contestants having migrated to the newly formed Thiruvalluvar University on 16.10.2002 and that on account of the same, the election will be vitiated. On the said issue, the respondent would submit that two of the eligible contestants, Professor Frederick and Professor Mohamed Akbar, have migrated to the newly formed Thiruvalluvar University and from 16.10.2002 and they ceased to be the members of the Senate. Likewise other voters also ceased to be the members of the Senate. They loose their right to vote or to contest. Considering that their capacity as member of the Senate of this university was lost in terms of the provisions of the Act, persons who have migrated to the newly formed University cannot take part in the election either as a voter or as a candidate. Therefore, the election which was held on 26.1 0.2002 will not be affected by the non-participation of the members of the Senate of the University after their migration to the newly formed University. In any event, non-participation of few of the Senate members cannot result in invalidating entire election. It is further contended that certain vacancies were existing as a result of creation of new Universities, as a result of which many vacancies could not be filled up from the year 1983. As a result of the establishment of various Universities, Dr.Ambedkar Law University, Dr.M.G.R. Medical University, Tamil Nadu and Veterinary and Animal Science University and Anna University came to be constituted on various stages ever since 1983, the election of graduates to the Senate was therefore deferred and the State Government was addressed to make suitable amendments to Section 54 (a) of the Madras University and the amendment was yet to be carried out. It is further submitted that the impugned election is already over and the results are only to be declared and hence the writ petition may be dismissed.

7. On 6.11.2002, the petitioner has filed a rejoinder affidavit. He would contend that the respondent had totally ignored to answer as regards the non-filling of 20 members of the graduate representatives. The further contention that one of the candidates belongs to Scheduled Caste community, is not a satisfactory answer in the context of inadequate representation of the members of the Scheduled Caste Community. The fact of one Scheduled Caste candidate was contesting will not satisfy the criteria stated in Clause IX and in Section 14 of the Madras University Act. The respondents have also not given particulars relating to the total

electorate of the Senate. The action of the University in deleting the names of 14 members after the nomination had been held as valid and thus resulted in reducing the total electorate. The elections thus held was a farce and therefore requires to be set aside.

8. Mr.G.Masilamani, learned Senior counsel for the petitioner contends that the Madras University Act, 1923 (hereinafter called Act) and the statutes made thereunder require the conduct of the election to the University in the manner described thereunder. The authorities of the University who are only discharging their executive power and functions, cannot fail to comply with the requirements under the Act, by citing reasons which are totally irrelevant and thus violating the mandate of the said provisions. Election to the Syndicate from among the Senate members visualise Senate as an effective Electoral College. The Senate should comprise of members as contemplated under Chapter-III of the Act under which various categories of members constituting the Senate are enlisted. The reasons now stated by the respondents for not properly constituting the Senate and the contention that some of the provisions cannot be strictly implemented in view of the subsequent constitution of other Universities, cannot at all be sustained. The Act as it is will prevail and has to be implemented in letter and spirit. The fact that the Act had not been amended excluding the areas coming within the purview of the newly created Universities, cannot empower the executive wing of the University to ignore the statutory provisions. Non filling up of vacancies is only due to failure on the part of the administrative side of the University. There is no justification for not filling up the vacancies by nomination of the Chancellor. Under Section 14 of the Act, 15 members have to be nominated by the Chancellor out of whom not less than 10 shall be nominated to secure proper representation to Scheduled Caste and Scheduled Tribe, not otherwise adequately represented. There is a deliberate overlooking of the interest of Scheduled Caste and Scheduled Tribe members which is improper. Out of a total strength of 169 members, only 100 members were available and the Senate being truncated body, election cannot be conducted in a purposeful manner. Holding elections without even a properly constituted electoral college would be a farce and illegal and the Court should interfere to undo the resultant injustice not only to the Scheduled Caste and Scheduled Tribe Communities but also in the interest of proper administration of the University. Learned Senior Counsel also took me through the relevant provisions of the Act as well as the statutes in the context of the proper constitution of the Senate.

9. Mr.Habibullah Basha, learned Senior Counsel for the University raised the following contentions:-
a. The vacancies had arisen due to various reasons beyond the control of the University and as the elections to the Syndicate was a time bound necessity, the process cannot be postponed indefinitely.

b. Chapter XIX of the Laws of the University deals with the procedure for the elections to the various authorities of the University and under Clause IV of the statute, no election to any authority of the Universities shall be invalid only by reason of any vacancy among the persons entitled to vote at the election.

c. Vacancies to be filled up out of the graduates could not be complied with, due to the fact that there was no election from among the graduates from the year 1983. The areas which were covered by the Madras University, have now become divided by the passing of the various Acts constituting other Universities resulting in the graduates in those areas being taken over by the newly formed Universities thus becoming not eligible to vote.

d. Clauses VIII and IX of Section 14 contemplates the inclusion of the Principals of affiliated colleges who have served as Principals for not less than three years and whole time University Professors incharge of the various departments in the University. There are vacancies under the said categories which are also beyond the control of the executive side of the University. Vacancies have resulted due to the said reason also.

e. As far as representation of Scheduled Caste members are concerned, there were already eight members available and therefore the necessity to nominate anyone in order to maintain proper representation to the Scheduled Caste members did not arise.

f. The process of election was already over and hence cannot be entertained with under Article 226 of the Constitution.

10. In reply, Mr.Masilamani contended that the petitioner being a graduate of the respondent-University and thus being a basic voter eligible to cast his vote, he was very much an aggrieved person. Reference is also made to the decision of a Division Bench of this Court in S.Udhaya Kumar vs. State of Tamil Nadu (2002 3 CTC 705), in support of the said contention. He further contends that the University area has not been defined in the Madras University Act as in the other Acts dealing with the establishment of the other Universities and hence, there was no bar for conducting elections among the graduates from the areas which are not specifically excluded under the Madras University Act. There is also no harm in including a larger area. Clause IV of Chapter XIX of the Laws of the University will apply only to casual vacancies and cannot be cited as a reason to support an electoral college which is either manipulated for convenience or be rendered a farce due to negligence and failure to fill up the huge vacancies. The large number of vacancies would materially affect the election of deserving representatives and thus the very composition of the Senate, and the democratic process contemplated under the Act is rendered meaningless.

11. Heard both sides. I have considered the issues very carefully keeping in mind that the issues relate to the administration of the Primary University in this State. The process of election had already commenced even before the filing of this writ petition viz., by the issuance of notification on 16.9.2002, while the writ petition was filed only on 1.10.2002. In the said background, the issues raised by both sides have to be considered in a practical manner and as to whether the defects pointed out by the petitioner are so very fundamental requiring postponement of the election.

12. I have considered the submission of the learned Senior Counsel for the respondent raising preliminary objection as regards the locus standi of the petitioner. In the decision reported in 2002 3 CTC 705 cited above, a Division Bench of this Court had to deal with the question of locus standi in the matter of challenging the Constitutionality of the amending Act by which a contestant was debarred from holding the post of Mayor and member of Legislative Assembly at the same time. The Division Bench held that the election was a matter of public concern and the petitioner/elector had locus standi to file a Public Interest Litigation.

13. It is not necessary to cite any authorities in this context, bearing in mind that the writ petitioner though not a member of the Senate as on date, he is a graduate who is entitled to contest and vote in respect of the vacancies to be filled up out of the graduates. Therefore undoubtedly, he is very much interested in the affairs of the Madras University and has substantial locus standi to raise the issue of vacancies relating to the Senate and I am unable to sustain the objection on behalf of the respondent in the said context.

14. The basic fact alleged by the petitioner is that the Electoral College is a truncated one viz., out of 169 seats in the Senate, even as per the statistics of the respondent, there are at present only less than 125 members. Though according to the petitioner, there are only 100 members, even accepting the figures given by the respondent, the vacancies are more than one-fourth of the total strength. The situation cannot be equated to the contingency contemplated under Clause IV of Chapter XIX. I am inclined to agree with the contentions of the learned counsel for the petitioner that the said provision can only apply to the casual and unexpected vacancies and not mass vacancies arising out of various other circumstances. I am inclined to agree with the contention on behalf of the petitioner that the election to the Syndicate from the Senate is being reduced to an empty ritual and the democratic process is rendered meaningless. Nonetheless, the need to conduct the election to the Syndicate is also an important requirement failing which the Syndicate will also become a truncated body leading to improper administration of the University.

15. In the above background, the reasons for the reduction of the seats of the electoral college have to be examined and the situation has to be examined as to whether there is immediate possibility of filling up the vacancies or atleast reduce the number of vacancies to a minimum level in the immediate future. As pointed out by the learned Senior counsel for the University, various factors have contributed to the present situation. Those factors have been enlisted by the learned Senior counsel for the respondent which have already been summarised above. It is also not possible to fix the responsibility for the present situation on any one or two individuals. It is also not possible to rectify the causes which had resulted in the present situation, within a short period, so that the process of election could be directed to be commenced immediately thereafter. Though it is true that no single authority can be blamed for the present position, the fact remains that the administrative/executive wing of the University as well as of the Government which should have given priority to

the issues involved by carrying out necessary amendments to the provisions of the Madras University Act, dealing with the Constitution of the Senate, simultaneously with the passing of the various Acts which were passed establishing other Universities, have failed to do so. The entire geographical area of Tamil Nadu and all the specialised branches of study were earlier under the control of the Madras University. With the creation of other Universities like Madurai Kamaraj University, Bharathiyar University, Bharathidasan University and Manonmaniam Sundaranar University and also the specialised Universities like Anna University, MGR Medical University and Dr. Ambedkar Law University, dealing with Engineering, Medical and Legal education, the field of coverage of the Madras University had become undeniably and considerably reduced. But there has been no corresponding amendments to the Madras University Act, properly identifying the voting base for the elections to the various bodies. This is not merely due to lack of coordination between the University and the Government to formulate the policies and initiate legislative changes, but also due to lack of dynamism in them to foresee the problems which are bound to crop up. When the Government took interest in creating other Universities, simultaneous care and interest should have been bestowed upon the functioning of the Madras University by making necessary amendments to the Madras University Act also.

16. Such an exercise was done only once when the Madurai Kamaraj University Act was passed and the areas of Madurai, Ramanathapuram, Tirunelveli and Kanyakumari Districts were allotted to the said University and there was a simultaneous amendment to the Madras University Act in 1966 introducing Section 54-A. Under the said provision, the registration of graduates was held to be open to only graduates ordinarily resident in the State of Madras except the areas comprising districts of Madurai, Ramanathapuram, Tirunelveli and Kanyakumari. Subsequently, other Universities came to be established namely, Bharathiyar University under Act 1 of 1982, Bharathidasan University under Act 2 of 1990, Manonmaniam Sundaranar University under Act 31 of 1990 and Thiruvalluvar University under Act 32 of 2002. This resulted in different areas being carved out and brought exclusively under one University or the other. But there was no simultaneous amendment/ deletion of the said areas under the Madras University Act. This according to the learned Senior Counsel for the respondent had resulted in the University not being able to hold elections from among the registered graduates.

17. It is further contended that few other vacancies have arisen because of the absence of personnel who would satisfy the requirements under Clause 9 and Clause 10 of Section 14 (2) (a) of the Act, namely, the Principals of affiliated colleges, who should have served as Principals for not less than three years and the absence of Wholetime University Professor in-charge of some of the departments. These are of course circumstances which are beyond the control of the University and the University cannot be blamed for the non-filling up of those vacancies.

18. As regards the absence of nomination by the Chancellor under Section 14 (2) (9), it is true that no nominations have been effected. No proper explanation is forthcoming from the respondents as to why nominations have not been made. It is quite possible

that the Chancellor had thought fit to wait for the filling up of the regular vacancies as contemplated under the other Clauses of Section 14, considering that the induction of nominated members will result in loading the Senate in their favour and creating an imbalance of the proper proportion to be maintained as between elected and nominated members. However, the fact remains that no nominations have been made as contemplated under Section 14(2)(a)(9), resulting in vacancies of those seats.

19. Whatever be the reasons for the vacancies, the proportion of vacancies is more than one-fourth and is bound to really cause concern and anxiety in the mind of anyone who is really interested in the proper administration of the University. The democratic process is bound to be rendered an illusion if the situation should be allowed to prevail and continue for many years. Admittedly, no elections have been conducted from among the registered candidates from the year 198 3. Though several factors might have contributed to the present position, the administrative side of the University is certainly to be blamed for not acting promptly and not taking necessary steps before the Government, to carry out the necessary amendments to the Act as and when required.

20. It is true that as Mr.Masilamani had pointed out, the expression "University area" has not been defined under Madras University Act, 1923. It is only by an amendment under Act 2 of 1966, the expression "University Centre" has been introduced and defined under Section 2 (m) as any area within the State of Madras excepting the area comprised in the Revenue Districts of Madurai, Ramanathapuram, Tirunelveli and Kanyakumari. But in the corresponding Acts relating to the other Universities which were established subsequently, as stated above, "University area" has been particularly defined and demarcated. For instance under Section 1 (2) of Act 31 of 1990, the area comprised in Tirunelveli-Kattapomman, Chidambaram and Kanyakumari Districts have been notified as "University area" of Manonmaniam Sundaranar University. Likewise, Bharathidasan University and Bharathiyar University which came to be established later have also been assigned specific Revenue Districts as their respective University area. Madras University has no such defined limits of University area. Section 54-A is a provision which excludes the graduates of Madurai, Ramanathapuram, Tirunelveli and Kanyakumar Districts to be registered as graduates of Madras University. No corresponding amendments have been carried out in the Madras University Act, pursuant to the establishment Bharathiyar, Bharathidasan and Thiruvalluvar University, even though those Universities have been assigned specific districts. Those districts are not included under Section-54-A. Hence on bare reading of Madras University Act all graduates residing in the areas other than the areas specifically excluded under Section 54-A would be eligible to be registered as graduates. This conclusion is irresistible due to the following three reasons:-

1. Section-54-A excludes only graduates of the four districts mentioned therein. Other districts are not excluded.

2. There is no specific prohibition in the Acts constituting the Bharathiyar, Bharathidasan and Thiruvalluvar

Universities prohibiting the graduates residing within their Revenue Districts being registered as a graduate in any other University. Therefore, when there is no bar on the graduates residing in the Revenue Districts assigned to Bharathiyar, Bharathidasan and Thiruvalluvar Universities from seeking for registration in the Madras University, there is no justification for the contention that the graduates in those areas are not eligible to be registered by the respondent. Graduates of Madras University, wherever they are would be eligible to contest or vote.

3. There is no law which prohibits a graduate being registered in more than one University.

21. I do not propose to add further to the already existing confusion but one fact which is very clear is that neither Administrative Wing of the Madras University nor the concerned Department in the Secretariat had cared to attend to the basic requirements. In the additional counter of the University, it is stated as follows:-

"Hence, ever since 1983, the election of graduates to the Senate has been deferred and the State Government was addressed to make the suitable amendments in Section 54 (a) of the Madras University Act. Even after several reminders, the Government is yet to take steps to make suitable amendment in Section 54 (a) and give a clear picture as to the eligibility of graduates to participate in an election to the Senate of this University"

22. The above extracted statement reflects the level of (lack) of interest which the Official machinery seems to bestow on the proper administration of the Universities. But the simultaneous question which arises for consideration is whether the Madras University should stop conducting election from among the graduates merely as a result of no amendment being carried out by deleting the districts assigned to the other Universities. As Mr.Masilamani pointed out, as long as the Act specifies certain areas as covered by the Madras University, then the Executive Wing cannot ignore the Legislative Provision on its own interpretation. I have already held that even in the Acts relating to the other Universities, there is no provision which would disentitle a graduate within their respective University area to be registered as a graduate of Madras University. Nor is there any law which prohibits a graduate from being registered as a graduate in two different Universities. Nor am I able to visualise any bar on a graduate of Madras University to contest or vote by registering himself with the Madras University.

23. As regards ensuring proper representation of SC and ST Communities, the Act does not specify any minimum number of seats. It is not the function of this Court to fix the number of such seats. It is for the Legislature or for the policy making body of the University to fix the minimum number and see to it that the said number is always maintained by the process of the Chancellor invoking his powers to nominate as provided under Section 14 (2) (a) (9) of the Act. I am

unable to sustain the contention on behalf of the University that since there are already eight members of SC and ST Communities, there was adequate representation and hence there was no need to nominate any more members. A bare perusal of the said provision itself indicates that out of fifteen names to be nominated, not less than ten shall be nominated so as to secure the representation of the SC and ST and not otherwise adequately represented. The simple out come of the said provision would be that the minimum number of SC and ST has to be not less than ten. Ten is the minimum and hence the stand of the University cannot be accepted. The administrative side of the University ought to have brought this to the notice of the Chancellor and he should have been requested to do the needful. It is for the Government/ University to formulate a definite policy as to the minimum number, but it cannot be less than ten.

24. As regards registration of graduates, I am unable to appreciate the rationale behind restricting geographical area as an eligibility criteria. What is wrong in any graduate of Madras University registering himself with that University even though he may be residing at a different Revenue District? Another strange feature is that even the graduates of other Universities are allowed to register themselves as graduates of Madras University. This is anomalous and in my opinion, this cannot be permitted. I wonder whether it would be possible for a graduate of some other University which may be recognised by Oxford or Cambridge University, to register himself as a graduate of Oxford or Cambridge Universities. An University is a selfcontained institution like a College and is not a political representative body like the Legislative Assembly or the Legislative Council which are based on geographical limits and being the only representative political institution. These are my passing thoughts and it is for the Government, Universities and the academicians to ponder over these issues and to evolve a healthy policy and carry out amendments which should avoid conflicts and the situation which the Madras University is now facing.

25. Though I have found in favour of the objections as raised on behalf of the petitioner and I am also inclined to hold that the elections ought to have been held to fill up the vacancies from and out of the graduates in terms of Section 54-A and other vacancies in the Senate should have been filled up, yet this Court is unable to interfere at this stage in the interest of the administration of the University for the following reasons:-

I. The petitioner had approached this Court at a very late stage after the announcement of the election schedule viz., after the election process had commenced. The petitioner was fully aware of the defects which have been pointed out long prior to the announcement of the election schedule. Elections among graduates have not been conducted from 1983 and nothing prevented him to have approached this Court sufficiently earlier, so that the respondents could have been directed to comply with all the requirements.

II. The defects which have been

pointed out cannot be rectified within a short period. Elections to the graduates have to be conducted and the process of nomination by the Chancellor is also bound to take considerable time. The Syndicate cannot be allowed to function for a longer period by not filling up the vacancies to be filled up by election from and out of the Senate. Such a situation would affect the proper functioning of the Syndicate.

III. No mala fides or ulterior motives have been substantiated. Administrative or executive indifference and delay in filling up of the vacancies and the Government not taking proper steps to bring forth legislative changes promptly, are found to be the reasons for keeping more than one-fourth of the seats vacant. Certain vacancies are also found to be due to reasons beyond the control of the University which cannot be put against the University, such as non-availability of qualified persons like Principals of affiliated Colleges, who should have served for not less than three years etc.

26. The above issues cannot be rectified within a short period of two or three months. Hence interfering with the process of election after it had been announced or cancelling the elections which have already been held will not be in the interest of the proper administration and hence it is not possible to interfere in the process of election or the outcome of the election which has already been conducted.

27. At the same time, having regard to the conclusions already arrived at, this situation of improper democratic process arising out of a truncated body of Senate cannot be allowed to continue for ever. The vacancies are also bound to increase further in future. The defects have to be therefore removed and the vacancies which are within the control of the University have to be filled up at the earliest and bearing the same in mind, the following directions are issued:-

1. Section 12 (2) (a) (9) (a) should be invoked at least to the extent of ensuring adequate representation for SC and ST members, bearing in mind that the minimum shall be not less than ten members. The respondent herein is directed to forward a request to the Chancellor in the said context.
2. Elections have to be conducted from among the registered graduates as provided under Section 14 (2) (a) (1), strictly in terms of Section 54-A as it exists today. There is no need to await any statutory amendment to Section 54-A. In the absence of any amendment, the registration of graduates shall be complied with as under Section 54-A as it stands now.
3. Vacancies arising out of other categories have to be filled up at the earliest except where the process of filling up is not under the control of the University.
4. In future, before any election is conducted to the Syndicate from and out of the members of the Senate, care should be taken not to keep any vacancy unfilled other than the vacancies which are beyond the control of the University.

28. The above directions have to be complied within a period of six months from the date of receipt of a copy of this order. This Court can only hope that the administrative wing of the University wakes up from its slumber and the concerned Department of the Secretariat bestow some interest on the primary and the oldest University of this State.

29. In the result, the writ petition is dismissed subject to the above observations and directions to the University to comply with the said directions. No costs. Consequently, connected WPMP No.56577 of 2002 is also dismissed.

Index : Yes.
Internet: Yes.
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To

The Registrar,
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